

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BROOKE WHORLEY, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
)
 RALPH NORTHAM, *et al.*,)
)
 Defendants.)
 _____)

Case No. 3:20-cv-00255-HEH

JOINT MOTION TO DISMISS AND RETAIN JURISDICTION

Brooke Whorley, Michael Sullivan, Gale Jones, Alonzo Williams, Da’Von Walker, Dwight Horton, Frank Fairchild, Candace Blankenship, Brenda Van Emmenis, Olivia Ivashin, Ennis Stewart, Lartaija Banks, Matthew Mosher, Bruce Harris, Jr., Johnathan McMillan, Milton Williams, Sr., Timothy Brummett, Anthony Vicks, Warren Brooks, Jesse Davenport, Warren Medley-Green, Larog Trowell, Bejamen Fyfe, Antonio Perryell, Donnie Offenbacher, Felipe Franco, and Courtney Stroble (“Plaintiffs”) and Ralph S. Northam, Brian J. Moran, Harold Clarke, Donald Wilmouth, Rick White, Thomas Meyer, Tikki Hicks, Rodney Younce, Tracy Ray, Eric Aldridge, Dana Ratliffe-Walker, Tori Raiford, Tammy Williams, Joseph Bateman, and Phillip White, in their official capacities, (“Defendants”) (collectively, “the parties”), having entered into a Settlement Agreement (“Agreement”), hereby jointly move this Court for entry of an order conditionally dismissing this action, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and move that the Court retain jurisdiction to enforce the Agreement in accordance with its terms. In support thereof, the parties state as follows:

1. The parties participated in settlement conferences conducted by Judge David J. Novak on April 22, April 28, and May 8, 2020. As a result of these negotiations, the parties agreed to resolve Plaintiffs' claims arising under the Eighth and Fourteenth Amendments of the United States Constitution.

2. On May 11, 2020, the parties executed the Settlement Agreement, attached as Exhibit A. Under the Agreement, the parties agreed to full resolution of all issues in the case and agreed to move this Court to dismiss this action and to retain jurisdiction for the limited purpose of enforcing the terms of this Agreement.

3. Pursuant to Paragraphs 1, 8, and 9 of the Agreement, the parties hereby jointly move this Court to dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and move that this Court retain jurisdiction to enforce the Agreement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994) (recognizing that a federal district court may retain jurisdiction to enforce a "dismissal-producing settlement agreement" in its order); *Columbus-American Discovery Group v. Atlantic Mut. Ins. Co.*, 203 F.3d 291, 299 (4th Cir. 2000) (finding that dismissal order stating that "[t]he Court retains jurisdiction to enforce the settlement of the parties" granted the district court jurisdiction to enforce a settlement agreement).

Respectfully submitted,

/s/ Eden Heilman

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of May, 2020, I electronically filed the foregoing Joint Motion to Dismiss and Retain Jurisdiction with the Clerk of Court using the CM/ECF system, which will send a notice of such filing to all counsel of record.

/s/Eden Heilman
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